

## Committee Agenda

Committee: House Commerce and Energy  
Room: 464  
Date: Monday, February 7, 2011  
Time: 10:00 AM

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Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

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[HB 1202](#)      **require the state to provide the public with access to an electronic database containing certain information on any loans, grants, or tax rebates provided by the state for the purpose of economic development.**

Representatives Hunhoff (Bernie) and Greenfield and Senators Buhl, Cutler, and Nygaard

[HB 1207](#)      **allow the consignment or auction of certain out-of-state vehicles and motorcycles.**

Representatives Kirkeby, Abdallah, Brunner, Dennert, Greenfield, and Turbiville and Senators Rhoden, Adelstein, and Brown

[HB 1209](#)      **provide for the establishment of rural community-based energy development projects.**

Representatives Kloucek, Feickert, Hawley, Kirschman, Lucas, Schaefer, and Street and Senators Begalka, Frerichs, Garnos, Lederman, and Maher

[HB 1256](#)      **revise certain provisions regarding the sale of new or used vehicles and the sale of certain emergency vehicles.**

The Committee on Taxation

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

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ROGER D. SOLUM, Chair

86<sup>th</sup> Legislative Session – 2011

Committee: House Education

Monday, February 07, 2011

P - Present  
E - Excused  
A - Absent

Roll Call

P Elliott  
P Haggar  
P Hunt  
P Jones  
E Killer  
P Lucas  
P Miller  
P Perry  
P Schaefer  
P Stricherz  
P Tulson  
P Vanneman  
P Venner  
P Sly, Vice-Chair  
P Brunner, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Brunner, Chair.

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 2, 2011

Moved by: Hunt  
Second by: Venner  
Action: Prevailed by voice vote.

HB 1153: prohibit the Department of Education from participating in the development or promotion of certain standards for the subject of history, and to prohibit the Board of Education from adopting certain standards for the subject of history.

Presented by: Representative Jim Bolin

MOTION: AMEND HB 1153

1153ca

On page 1 of the printed bill, delete lines 7 to 12, inclusive, and insert:

" The Board of Education may not adopt any standards for the subject of history that the Common Core State Standards Initiative, a state-led effort launched by state leaders through their membership in the National Governors Association Center for Best Practices and the Council of Chief State School Officers, may propose."

Moved by: Sly  
Second by: Hunt  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1153 AS AMENDED

Moved by: Hunt  
Second by: Vanneman  
Action: Failed by roll call vote. (7-5-3-0)

Voting Yes: Hunt, Schaefer, Stricherz, Vanneman, Venner, Sly, Brunner

Voting No: Jones, Lucas, Miller, Perry, Tulson

Excused: Elliott, Haggard, Killer

MOTION: DEFER HB 1153 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Perry  
Second by: Lucas  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1153

1153cb

On line 3 of the previously adopted amendment, 1153ca, before "Council", delete "the".

Moved by: Hunt  
Second by: Sly  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1153 AS AMENDED

Moved by: Hunt  
Second by: Venner  
Action: Prevailed by roll call vote. (8-4-3-0)

Voting Yes: Hunt, Miller, Schaefer, Stricherz, Vanneman, Venner, Sly, Brunner

Voting No: Jones, Lucas, Perry, Tulson

Excused: Elliott, Haggard, Killer

MOTION: AMEND TITLE OF HB 1153

1153cta

On page 1, line 1, of the printed bill, delete everything after "An Act to" .

On page 1, delete line 2.

Moved by: Hunt  
Second by: Venner  
Action: Prevailed by voice vote.

HB 1191: authorize school district boards to provide licensed day care facilities on or off school district property.

Presented by: Representative Steve Street

MOTION: DEFER HB 1191 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Tulson  
Second by: Jones

Action: Prevailed by roll call vote. (12-0-3-0)

Voting Yes: Hunt, Jones, Lucas, Miller, Perry, Schaefer, Stricherz, Tulson, Vanneman, Venner, Sly, Brunner

Excused: Elliott, Haggard, Killer

HB 1170: require schools to provide instruction on certain historical documents and speeches.

Presented by: Representative Phil Jensen

MOTION: DEFER HB 1170 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Stricherz

Second by: Hunt

Action: Prevailed by roll call vote. (12-0-3-0)

Voting Yes: Hunt, Jones, Lucas, Miller, Perry, Schaefer, Stricherz, Tulson, Vanneman, Venner, Sly, Brunner

Excused: Elliott, Haggard, Killer

HB 1175: establish a co-curricular fund and a co-curricular property tax levy for school districts to meet expenditures for co-curricular activities.

Presented by: Representative Tad Perry

Proponents: Jack Warner, SD Board of Regents  
Bob Duffett, Dakota Wesleyan University

MOTION: AMEND HB 1175

1175ca

On the printed bill, delete everything after the enacting clause and insert:

"

Section 1. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as follows:

There is hereby established the jump start scholarship program to be administered by the Board

of Regents. The purpose of the program is to allow a student who graduates from a public high school in three years or less to receive a scholarship funded with a portion of the money saved by the state in state aid to education funding pursuant to chapter 13-13 as a result of the student's early graduation if the student enrolls at any college, university, or technical school accredited by the North Central Association of Colleges and Schools that provides instruction from a campus located in South Dakota.

Section 2. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as follows:

To be eligible for the jump start scholarship program, a student shall:

- (1) Be a resident of South Dakota;
- (2) Complete the requirements of the recommended high school program as established by the Board of Education pursuant to § 13-1-12.1, and be awarded a high school diploma by a public high school by the end of grade eleven, including any summer school courses completed before the end of that school fiscal year;
- (3) Have attended a public high school in South Dakota on a full-time basis for at least two semesters prior to graduating;
- (4) Apply to the Board of Regents for a jump start scholarship in the manner specified by the board; and
- (5) Within one year of graduating from high school, excluding any time served on active duty in the armed forces of the United States, enroll in a college, university, or technical school accredited by the North Central Association of Colleges and Schools that provides instruction from a campus located in South Dakota.

No student who enrolls in a high school for all or any part of grade twelve is eligible for the jump start scholarship program.

Section 3. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as follows:

The amount of the scholarship award is three thousand five hundred dollars. One half of the award shall be paid to a public institution on behalf of any eligible student there enrolled or directly to an eligible student enrolled in a nonpublic institution at the beginning of the fall semester, and the other half shall be paid in the same manner at the beginning of the spring semester.

Section 4. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as follows:

Each school district shall annually report to the Department of Education the names of all enrolled students who meet the qualifications in subdivisions (1), (2), and (3) of section 2 of this Act,

and the Department of Education shall subsequently report the information provided to the Board of Regents.

Section 5. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as follows:

Any student to whom a jump start scholarship is awarded may apply for enrollment at any approved postsecondary educational institution. However, the institution is not required to accept the applicant for enrollment, and the institution may require compliance with its own admissions requirements. If the institution admits the student, the institution shall give written notice to the Board of Regents, and the scholarship award shall be distributed pursuant to section 3 of this Act.

Section 6. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as follows:

In fiscal year 2013 and in each fiscal year thereafter, the amount of money saved by the state in state aid to general education funding due to the early graduation of students who meet the qualifications in section 2 of this Act and are awarded a jump start scholarship shall be appropriated to the Board of Regents through the General Appropriations Act for the purpose of providing jump start scholarships to eligible students.

Section 7. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as follows:

The Board of Regents may allocate funds appropriated by the Legislature for the purpose of providing jump start scholarships to eligible students.

Section 8. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as follows:

The Board of Regents shall promulgate rules pursuant to chapter 1-26 to establish timelines and procedures for the jump start scholarship program application process, and to establish timelines and procedures for the reporting of information required pursuant to this Act.

Section 9. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as follows:

Any student who meets the eligibility requirements for the jump start scholarship program pursuant to section 2 of this Act is also eligible for an opportunity scholarship established pursuant to § 13-55-30 for the student's first year of enrollment at an approved postsecondary institution if the student meets all of the eligibility requirements for the opportunity scholarship pursuant to § 13-55-31, except for the requirement to successfully complete four units of approved mathematics courses and four units of approved science courses. If a student who is eligible for the jump start scholarship successfully completes three units of approved mathematics courses and three units of approved

science courses prior to graduating from high school, the student may complete the additional unit of approved mathematics courses and the additional unit of approved science courses necessary for eligibility in the opportunity scholarship program during the student's first year of enrollment at an approved postsecondary institution. If the student fails to successfully complete the additional coursework in mathematics and science during that year, the student is no longer eligible for the opportunity scholarship program.

Section 10. That § 13-55-31 be amended to read as follows:

13-55-31. In order to be eligible for a South Dakota opportunity scholarship award, a student shall:

- (1) Be a resident of South Dakota at the time of graduation from high school;
- (2) Have a composite score of 24, or higher, on the test administered by the American College Testing Program or an equivalent score as determined by the Board of Regents on the Scholastic Assessment Test. The student shall take the ACT or SAT test before beginning postsecondary education;
- (3) Meet the high school course requirements for graduation as provided in § 13-55-31.1;
- (4) Attend a university, college, or technical school that is accredited by the North Central Association of Colleges and Schools and that provides instruction from a campus located in South Dakota; and
- (5) Enter into the program within five years of graduation from high school or within one year of the student's release from active duty with an active component of the armed forces if the release is within five years of the student's graduation from high school. If a student attends full-time a regionally accredited university, college, or technical school located outside South Dakota and within two years following high school graduation or within two years following release from active military service returns to the state to attend full-time a regionally accredited university, college, or technical school, the student is eligible to receive a partial award.

A student is eligible to participate in the South Dakota opportunity scholarship program for the equivalent of four academic years (eight consecutive spring and fall terms) or until the attainment of a baccalaureate degree, whichever comes first. However, the executive director of the Board of Regents may grant exceptions to the continuous enrollment requirements for good cause shown.

A student who would have been eligible for the scholarship, but who applies after completing one or more semesters of full-time work at an accredited institution, may be admitted to the program only if the student has complied with the same grade point and credit hour requirements that would apply to program participants. Admission granted under these circumstances may not be retroactive, and eligibility for participation in the program shall be reduced by one semester for each semester of work completed prior to admission to the program.

A student who meets the eligibility requirements for the quick start scholarship program pursuant to section 2 of this Act is also eligible for the opportunity scholarship during the student's first year of enrollment at an approved postsecondary institution if the student meets all of the eligibility requirements in this section with the exception of the requirement in subdivision (3). If the student successfully completes three units of approved mathematics courses, three units of approved science

courses, and all the remaining necessary coursework prior to graduating from high school, the student may complete the additional unit of approved mathematics courses and the additional unit of approved science courses necessary for eligibility in the opportunity scholarship program during the student's first year of enrollment at an approved postsecondary institution. If the student fails to successfully complete the additional coursework during that year, the student is no longer eligible for the program."

Moved by: Venner  
Second by: Vanneman  
Action: Prevailed by voice vote.

MOTION: AMEND HB 1175

1175cb

On the previously adopted amendment, 1175ca, in section 10, paragraph 4, line 1, delete "quick" and insert "jump".

Moved by: Perry  
Second by: Vanneman  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1175 AS AMENDED

Moved by: Venner  
Second by: Tulson  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1175

1175cc

On the previously adopted amendment, 1175ca, delete sections 9 and 10.

Moved by: Lucas  
Second by: Jones  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1175 AS AMENDED

Moved by: Sly  
Second by: Miller  
Action: Prevailed by roll call vote. (12-2-1-0)

Voting Yes: Elliott, Hagggar, Jones, Lucas, Miller, Perry, Schaefer, Stricherz, Tulson, Venner, Sly, Brunner

Voting No: Hunt, Vanneman

Excused: Killer

MOTION: AMEND TITLE OF HB 1175

1175cta

On page 1, line 1, of the printed bill, delete everything after "An Act to" and insert "establish the jump start scholarship program.".

On page 1, delete line 2.

Moved by: Perry  
Second by: Hunt  
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Sly  
Second by: Vanneman  
Action: Prevailed by voice vote.

Joshua Klumb  
Committee Secretary

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Thomas J. Brunner, Chair

## Committee Agenda

Committee: House Judiciary  
Room: 413  
Date: Monday, February 7, 2011  
Time: 10:00 AM

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Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

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[HB 1161](#)      **prohibit the use of certain photo radar speed detection systems and of certain photo monitoring devices to detect red light violations.**

Representatives Gibson, Boomgarden, Elliott, Haggar, Kirkeby, Olson (Betty), Russell, and Turbiville and Senators Bradford, Cutler, Krebs, Lederman, Peters, and Tidemann

[HB 1076](#)      **increase the fee for a payor to withhold child support.**

Representatives Tornow, Bolin, Boomgarden, Brunner, Greenfield, Hansen (Jon), Hickey, Hunt, Jones, Lust, Magstadt, Nelson (Stace), Novstrup (David), Rausch, Romkema, Rozum, Russell, Sly, Street, Tulson, Turbiville, and Willadsen and Senators Krebs, Fryslie, Garnos, Johnston, Kraus, Lederman, Novstrup (Al), Olson (Russell), Rhoden, and Schlekeway

[HB 1087](#)      **address comprehensibly the liability relationship between a trespasser and a person with a possessory interest in land.**

Representatives Hunt, Rausch, and Wick and Senator Peters

[HB 1186](#)      **require certain children to be in booster seats when in motor vehicles.**

Representatives Elliott, Blake, Fargen, Feickert, Jones, and Schrempp and Senators Nygaard, Hundstad, and Sutton

[HB 1200](#)      **include certain state officials in protections afforded law enforcement and judicial officers.**

Representatives Tornow, Gosch, Hansen (Jon), Magstadt, and Stricherz and Senators Rhoden, Novstrup (Al), and Schlekeway

[HB 1199](#)      **provide for a compact concerning citizenship.**

Representatives Steele, Boomgarden, Brunner, Hubbel, Jensen, Kirkeby, Liss, Magstadt, Miller, Munsterman, Nelson (Stace), Olson (Betty), Stricherz, Verchio, and White and Senators Begalka, Holien, Lederman, and Novstrup (Al)

### BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

[HB 1195](#)      **restrict, under certain circumstances, the creation and transfer of conservation easements.**

Representatives Russell, Olson (Betty), and Sigdestad and Senator Rhoden

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ROGER W. HUNT, Chair

86<sup>th</sup> Legislative Session – 2011

Committee: House State Affairs

Monday, February 07, 2011

P - Present  
E - Excused  
A - Absent

Roll Call

P Lust, Chair  
P Cronin, Vice-Chair  
P Rausch  
P Gosch  
P Abdallah  
P Moser  
P Hoffman  
P Turbiville  
P Hunhoff (Bernie)  
P Gibson  
P Fargen  
P Blake  
P Wick

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Lust, Chair.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 2, 2011.

Moved by: Gibson  
Second by: Turbiville  
Action: Prevailed by voice vote.

HB 1094: revise certain provisions concerning the filing of campaign finance disclosure statements.

Proponents: Representative Scott Munsterman  
Aaron Lorenzen, Secretary of State

MOTION: AMEND HB 1094

1094fa

On page 2 of the printed bill, delete line 12, and insert "(3) A legislative or county candidate campaign committee without opposition in a primary election, prior to".

On page 2, remove the overstrikes from lines 13 and 14.

On page 2, line 16, delete "~~(5)~~(4)" and insert "(5)".

On page 2, line 18, delete "~~(6)~~(5)" and insert "(6)".

Moved by: Rausch  
Second by: Gosch  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1094 AS AMENDED

Moved by: Turbiville  
Second by: Gosch  
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Lust, Cronin, Rausch, Gosch, Wick, Abdallah, Moser, Hoffman, Turbiville, Hunhoff (Bernie), Gibson, Fargen, Blake

HB 1108: revise certain provisions with regard to the rights of industrial and construction equipment dealers.

Proponents: Representative Gene Abdallah  
Lorin Pankratz: Diesel Machinery, Inc.; Ditch Witch of SD; Sheehan Machinery  
And Sales; and Bierschbach Equip & Supply Co. Inc  
Dan Healy, Diesel Machinery, Inc.  
Pat Healy, Diesel, Machinery, Inc.  
Myron Rau, SD Auto Dealer's Association  
Erik Matzen, Sheehan Machinery, Sioux Falls  
Opponents: Jim Roberts, Butler Machinery Co.  
Rick Mallo, Titan Machinery  
Brett Koenecke, Assoc. of Equipment Manufacturers (Handouts 1 and 2)  
David Owen, SD Chamber of Commerce & Industry  
Kitty Kinsman, Caterpillar, Inc. (Handouts 3 and 4)

MOTION: DO PASS HB 1108

Moved by: Hunhoff (Bernie)

Second by: Wick

Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Lust, Cronin, Rausch, Gosch, Wick, Abdallah, Moser, Hoffman, Turbiville, Gibson, Fargen, Blake, Hunhoff (Bernie)

HB 1148: revise the minimum wage law for certain seasonal employees.

Proponents: Representative Mike Verchio  
Shawn Lyons, SD Retailers Association  
James Marsh, Department of Labor

MOTION: AMEND HB 1148

1148oa

On page 2, after line 20 of the printed bill, insert:

" Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

Moved by: Hunhoff (Bernie)

Second by: Turbiville

Action: Prevailed by voice vote.

MOTION: DO PASS HB 1148 AS AMENDED

Moved by: Hoffman

Second by: Moser

Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Lust, Cronin, Rausch, Gosch, Wick, Abdallah, Moser, Hoffman, Turbiville, Hunhoff (Bernie), Gibson, Fargen, Blake

MOTION: AMEND TITLE OF HB 1148

1148ota

On page 1, line 2, of the printed bill, after "employees" insert "and to declare an emergency".

Moved by: Rausch  
Second by: Gosch  
Action: Prevailed by voice vote.

HB 1162: authorize the secretary of state to allow a person in charge of election to use the state system.

Proponents: Representative Stace Nelson  
Aaron Lorenzen, Secretary of State

MOTION: DO PASS HB 1162

Moved by: Wick  
Second by: Abdallah  
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Lust, Cronin, Rausch, Gosch, Wick, Abdallah, Moser, Hoffman, Turbiville, Hunhoff  
(Bernie), Gibson, Fargen, Blake

MOTION: PLACE HB 1162 ON CONSENT CALENDAR

Moved by: Cronin  
Second by: Rausch  
Action: Prevailed by voice vote.

HB 1177: revise certain provisions regarding the use of eminent domain.

Presented by: Representative Mike Verchio

MOTION: TO TABLE HB 1177

Moved by: Cronin  
Second by: Fargen  
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Lust, Cronin, Rausch, Gosch, Wick, Abdallah, Moser, Hoffman, Turbiville, Hunhoff  
(Bernie), Gibson, Fargen, Blake

HB 1166: restrict, under certain circumstances, the transfer of certain land parcels by the federal government.

Proponents: Representative Lora Hubbel  
Opponents: Edward Raventon, Sierra Club  
Chris Hesla, SD Wildlife Federation  
Paul Lepisto, self, Pierre  
Angela Ehlers, self, Presho

MOTION: DEFER HB 1166 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Turbiville  
Second by: Gibson  
Action: Prevailed by roll call vote. (12-1-0-0)

Voting Yes: Lust, Cronin, Rausch, Gosch, Wick, Abdallah, Hoffman, Turbiville, Hunhoff (Bernie), Gibson, Fargen, Blake

Voting No: Moser

HB 1222: temporarily increase the state sales and use tax to fund education and other budget needs and to declare an emergency.

Proponents: Representative Thomas Brunner  
Sandra Waltman, SD Education Association  
John Pedersen, School Administrator of South Dakota  
Charlie Flowers, SD Coalition of Schools  
Bill Engberg, Associated School Boards of SD  
Dianna Miller, Large School Group  
Opponents: Jim Terwilliger, Bureau of Finance and Management  
Zach Lautenschlager, SD Tea Party Alliance  
Rip Ryness, SD Campaign for Liberty

MOTION: DEFER HB 1222 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Hoffman  
Second by: Gosch  
Action: Prevailed by roll call vote. (10-3-0-0)

Voting Yes: Lust, Cronin, Rausch, Gosch, Wick, Abdallah, Moser, Hoffman, Fargen, Blake

Voting No: Turbiville, Hunhoff (Bernie), Gibson

HB 1173: administer, conduct, and provide for fair elections.

Proponents: Representative Burt Tulson  
Jason Gant, Secretary of State

MOTION: AMEND HB 1173

1173fa

On the printed bill, delete everything after the enacting clause and insert:

"

Section 1. If any political subdivision of the state sets a date and time for conducting a public election, within fifteen days the person in charge of an election shall notify the secretary of state."

Moved by: Gosch  
Second by: Hoffman  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1173 AS AMENDED

Moved by: Gosch  
Second by: Cronin  
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Lust, Cronin, Rausch, Gosch, Wick, Moser, Hoffman, Turbiville, Hunhoff (Bernie), Gibson, Fargen, Blake

Excused: Abdallah

MOTION: AMEND TITLE OF HB 1173

1173ftb

On page 1, line 1, of the printed, delete everything after "Act to" and insert "require the person in charge of local elections to notify the secretary of state when the dates of elections have been set."

Moved by: Gosch  
Second by: Gibson  
Action: Prevailed by voice vote.

HJR 1003: The Chair deferred HJR 1003 until Wednesday, February 9.

MOTION: ADJOURN

Moved by: Rausch  
Second by: Gosch  
Action: Prevailed by voice vote.

Grace Curtis  
Committee Secretary

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David Lust, Chair